IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY FOURTH DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO : 20992 of 2004

Between:

1 Addala Venkata Rao S/o.Jogiraju
2 A.Raja Rao @ Raju S/o.Venkat Rao
3 A.Anjaneyulu S/o.Venkat Rao

Petitioners No 1 to 3 R/o. 8th Ward, Shanivarapuvari Street,

near Ramalaya temple, Kovvur, West Godavari District.
4 Chella Nageswara Rao S/o.Late Sitharamulu
R/o.8th Ward, Shanivaramavari Street Near Ramalaya

Temple, Kovvur, West Godavari District.
5 Vadavalli Srinu S/o.Gandadharan

R/o.Near Bus Stand, near gas company Kovvur, West

Godavari District.

..... PETITIONERS

AND

1 The Sub Inspector of Police Kovvur Town Police Station, Kovvur.
2 Pasam Koteswara Rao S/o.Visaiah
R/o.8th Ward, H.No.8-6-31, Shanivarapuvari Street Kovvur, West

Godavari District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue any appropriate writ or writs or directions more particularly in the nature of writ of mandamus declaring the action of the Hon'ble II Additional Judicial First Class

Magistrate, Kovvur, in not committing the PRC No.144/2001 to the court of the Sessions since 2001 as arbitrary and unconstitutional and consequently direct the Hon'ble II Additional Judicial I Class Magistrate, Kovvur to commit the PRC No.144/2001 to the Court of the Sessions.

Counsel for the Petitioners: MR.A.SANTHOSH KUMAR

Counsel for the Respondents: GP FOR HOME

The Court, at the stage of admission, made the following :

ORDER:

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The grievance of the petitioner is that the court of II Additional J.F.C.M., Kovvur, before which P.R.C.No.144 of 2001 is pending, has not taken any steps to commit the matter to the Court of Sessions.

Learned Standing counsel took time to obtain instructions in the matter. Today, a letter addressed by the learned II Additional J.F.C.M. Kovvur, to the Registrar (General), is placed before this Court. On a perusal of the same, it is evident that this Court, in a petition filed by accused Nos.1, 2, 4 and 6 in P.R.C.No.145 of 2001, stayed further proceedings through its order in Crl.M.P.No.1886 of 2003.

In that view of the matter, it cannot be said that there was any lapse on the part of the trial Court in committing the case to the Sessions. It shall be open to the petitioners, who are the *defacto* complainants in that case, to take necessary steps in the proceedings that are said to be pending before this Court.

The writ petition is accordingly closed. There shall be no order as to costs.

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L.NARASIMHA REDDY, J

Dated : 24.02.2005

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To

1 The Sub Inspector of Police, Kovvur Town Police Station, Kovvur.
2 Pasam Koteswara Rao S/o.Visaiah
R/o.8th Ward, H.No.8-6-31, Shanivarapuvari Street Kovvur, West

Godavari District.

3 2 CCs to G.P. for Home, High Court Buildings, Hyderabad (OUT).

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